

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

FRANK A. WALLMULLER,

Plaintiff,

v.

SCOTT RUSSELL, DEBORAH  
WOFFORD, and PATRICIA FLORES,

Defendants.

CASE NO. C14-5121 RBL-JRC

ORDER

This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b) (1) (A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4.

Plaintiff asks the Court to waive the filing fee in this case so that defendants can be served at the expense of the Court (Dkt. 16). The Court denies plaintiff's motion because defendants have waived service of process and this issue is moot.

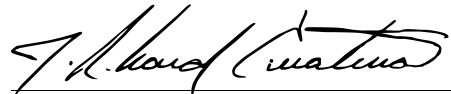
Defendants removed this matter from state court, but defendants originally indicated that they may be contesting the sufficiency of service of process (Dkt. 1, p. 1). The Court ordered plaintiff to apply for in forma pauperis status if he wanted the Court to serve the matter for him

1 (Dkt. 4). Defendants answered the complaint and again stated that they did not waive service of  
2 process (Dkt. 5, p. 1). Approximately one month later, defendants informed the Court that they  
3 waived formal service of process (Dkt. 15).

4 Plaintiff's motion to waive filing fees (Dkt. 16) is moot. The filing fee was paid by  
5 defendants when they removed the action from state court. Plaintiff does not need in forma  
6 pauperis status for service of process as service had been formally waived (Dkt. 15). The Court  
7 denies plaintiff's motion.

8 The Clerk's Office is instructed to remove Dkt. 16 from the Court's calendar.

9 Dated this 15<sup>th</sup> day of April, 2014.

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12 J. Richard Creatura  
13 United States Magistrate Judge  
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